

IP 06-1295-C H/K Dorel v DiMartinis
Judge David F. Hamilton

Signed on 09/29/06

NOT INTENDED FOR PUBLICATION IN PRINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DOREL JUVENILE GROUP, INC.,)	
)	
Plaintiff,)	
vs.)	NO. 1:06-cv-01295-DFH-TAB
)	
LOIS DIMARTINIS,)	
)	
Defendant.)	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DOREL JUVENILE GROUP, INC.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:06-cv-1295-DFH-TAB
)	
LOIS DiMARTINIS,)	
)	
Defendant.)	

ORDER ON MOTION TO COMPEL

Plaintiff's motion to compel production of an exact image of the hard drive of defendant's personal computer is denied, and examination of and production from defendant's personal computer shall proceed on the terms spelled out in defendant's responses to the motion to compel. In particular, Mr. Pavalon shall be responsible for producing immediately an exact image of the hard drive and for preserving that image in a secure fashion. Counsel for plaintiff shall submit to defense counsel as soon as practicable a list of search terms for all information that might be relevant to the lawsuit and motion for preliminary injunction. Mr. Pavalon shall be responsible for then conducting as soon as practicable a forensic examination fully consistent with his description of the process in his original and supplemental affidavits, including the search of unallocated disc space, file slack, and data fragments, and information concerning the connection of external devices to the computer and the use of software to "clean" the hard drive.

Defendant shall produce all non-privileged information responsive to the search terms, all information relevant to connection of external devices, and all information relevant to such use of software as soon as practicable. The court expects counsel to confer regarding practical deadlines for these activities. The court also expects these activities to be given urgent attention, just as the court has given the dispute urgent attention.

This ruling is without prejudice to the possibility of revisiting the issue and giving plaintiff's experts direct access to the image of the hard drive in the future, if there is good reason to do so.

So ordered.

Date: September 29, 2006

DAVID F. HAMILTON, JUDGE
United States District Court
Southern District of Indiana

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United States Magistrate Judge

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